



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, AUGUST 2, 2005
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AG
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TDD (202) 514-1888

DEPARTMENT OF JUSTICE TO HOLD BALLOT ACCESS AND VOTING INTEGRITY SYMPOSIUM

Conference to Focus on Election Fraud, Voting Rights

WASHINGTON, D.C. – The Department of Justice announced today that the 4th annual Ballot Access and Voting Integrity Symposium will be held in Washington, D.C. on Oct. 4 and 5, 2005. The annual training conference is part of the Ballot Access and Voting Integrity Initiative, which was established in October 2002 to spearhead the Department's expanded efforts to address election fraud and voting rights violations.

The initiative is headed by the Assistant Attorneys General of the Criminal and Civil Rights Divisions. The goal of the initiative is to protect the integrity of the election process by increasing the Department's efforts and effectiveness in combating election fraud by: publicizing election fraud convictions to deter similar crimes in the future; ensuring nationwide compliance with the federal laws protecting voting rights; and assuring the public that the Department will combat election fraud and voting rights abuses vigorously, fairly and effectively.

"The power to vote is one of the greatest opportunities we share as Americans," said Attorney General Alberto R. Gonzales. "The very fiber of our Nation rests on the zealous protection of certain inalienable rights for every citizen, and we cannot grow complacent in the safeguarding of those rights. The Department of Justice will continue to aggressively protect each person's right to vote – and just as important – preserve the value of that vote from those who would corrupt the election process."

The Ballot Access and Voting Integrity Initiative includes:

Annual Training. Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses. Previous conferences were held in October 2002, September 2003 and July 2004. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

State Coordination. Each U.S. Attorney is required to meet with the state Attorney General, Secretary of State, or other state official responsible for handling election matters in his or her district. These meetings underscore the Department's commitments to: prosecute election fraud and to protect voting rights; coordinate investigation of criminal matters involving joint federal and state jurisdiction; help ensure state compliance with federal voting rights laws; and avoid interference with the administration of elections, a function left primarily to the states by

the Constitution. In addition, several U.S. Attorneys have established task forces with their state counterparts to increase their effectiveness in addressing election fraud and in deterring both discrimination at the polls and electoral corruption.

Prioritization of Election Fraud Enforcement. The initiative requires that all components of the Department place a high priority on the investigation and prosecution of election fraud. The Criminal Division's Public Integrity Section oversees the national effort to ensure that election fraud investigations and charges have sufficient factual and legal predication, that they will not interfere with an ongoing election, and that a national standard is maintained in this critical area of criminal law enforcement. As a result of the initiative, nationwide enforcement of election fraud matters has increased dramatically.

More than 120 election fraud investigations are currently pending throughout the country, all but four of which were opened after the initiative began in October 2002. In addition, over 60 election fraud matters have been closed after investigation since the initiative began. Finally, since the start of the initiative, 89 individuals have been charged with election fraud offenses. To date, 52 of these individuals have been convicted.

The following are examples of the Department's enforcement successes under the Ballot Access and Voting Integrity Initiative:

CRIMINAL DIVISION

- In Illinois, four precinct officials pleaded guilty to vote buying in the 2004 general election and five more people are awaiting trial on these charges. Also, an election official pleaded guilty to forging ballots in the 2002 general election.
- In Kentucky, seven persons were convicted of vote buying in the 1998 primary in Knott County, two at trial and five through guilty pleas. Another three persons recently were indicted for vote buying for a candidate for the state senate in the 2000 primary in Knott County and neighboring counties. Finally, four persons were convicted by juries of vote buying and related offenses in the 2002 general election in Pike County, including the county district judge. Another person also pleaded guilty to these charges.
- In New Hampshire, two political party officials and another person were indicted on charges relating to a scheme to prevent voters from getting to the polls in the November 2002 general election by jamming phone lines of local organizations. Two of the defendants pleaded guilty to telephone harassment charges and the third is awaiting trial for conspiring to violate the right to vote for federal officials and other related offenses.
- In Kansas and Missouri, three Kansas residents have been convicted, one in Kansas and two in Missouri, of voting in both Kansas and Missouri in the 2002 and 2000 elections.
- In Florida, 14 non-citizens, including a candidate for the state legislature, pleaded guilty or were convicted at trial of voting-related offenses in 1998 or later elections.

- In Louisiana, a candidate for St. Martinsville City Council pleaded guilty to conspiring to submit false voter registration information in 2002.
- In North Carolina, five persons were convicted of vote buying in the 2002 general election, three by a jury and two through guilty pleas.
- In West Virginia, four individuals, including the sheriff, the former chief of police, and the treasurer of a candidate for state representative, pleaded guilty to vote buying and related offenses in Logan County in the 2004 or 2002 elections. Also, five people have been indicted and are awaiting trial on charges of vote buying in Lincoln County in 2004 and earlier elections.
- In Wisconsin, four individuals have been charged with multiple voting, and six people have been charged with providing false information regarding their felon status, in the 2004 general elections.

CIVIL RIGHTS DIVISION

- **Election Coverage.** On Election Day in November 2004, the Division sent out 251 employees from the Division and 822 federal observers from the Office of Personnel Management (OPM) to monitor elections in 86 political subdivisions in 25 states. The number of monitors and observers used for that election was more than were used in all of 2000. During all of 2004, the Division sent a total of 1,996 individuals (533 department personnel; 1,463 OPM observers) to monitor 163 elections in 105 political subdivisions in 29 states.
- **Sections 203, 208 and 4(f)(4) of the Voting Rights Act.** The Civil Rights Division has undertaken the most vigorous enforcement of section 203 in the history of the Act. Since 2001, the Division has filed as many section 203 cases as in the previous 23 years, and the pace is accelerating, with more cases filed and successfully resolved since May 2004 than in the previous 11 years. These latter lawsuits alone provided comprehensive minority language programs to more citizens than all previous Section 203 and 4(f)(4) cases combined. During this period the Civil Rights Division filed the first-ever cases to protect Filipino voters (San Diego, California) and Vietnamese voters (San Diego) and in addition it negotiated a private agreement in Harris County, Texas. The Division also used sections 2, 4(e) and 208 to protect the rights of Haitian voters (Miami-Dade, Florida), Arab voters (Hamtramck, Michigan), and Puerto Rican voters (Berks County, Pennsylvania).
- **Section 2.** In July 2005, the Civil Rights Division filed a case against Osceola, Florida under section 2 alleging that the at-large method of election for the county commission dilutes Hispanic voting strength. It also filed a case against Boston, Massachusetts for discriminatory treatment of Chinese, Vietnamese and Hispanic voters at the same time. In February 2005, the Division filed a case in Noxubee County, Mississippi under section 2, alleging that local officials routinely discriminated against white voters on the basis of their race. That case has already resulted in a consent decree with several local officials and litigation of the claims against remaining defendants is ongoing. The Noxubee

County case marks the first time the Division has filed a case under the Voting Rights Act on behalf of white voters.

- **HAVA.** The Civil Rights Division is charged with enforcing the requirements of the Help America Vote Act of 2002, which mandates uniform and non-discriminatory election procedures for federal office. The Division has actively informed state and local officials of the Act's requirements through an extensive outreach effort, including the creation of a HAVA section on the Division website, responses to questions from election officials, and speeches given to election official conferences. The Division has worked closely with the Election Assistance Commission, which also has responsibilities under the Act, to ensure that the federal government gives consistent views to election officials about HAVA. The Division has obtained extensive voluntary compliance, but has also filed two lawsuits to ensure HAVA compliance, and has filed amicus briefs in several private HAVA cases to ensure consistency in interpretation of its provisions.
- **UOCAVA.** During 2004, the Civil Rights Division ensured that members of the armed forces and other persons protected by the Uniformed and Overseas Citizens Absentee Voting Act were able to request, receive and cast a ballot for federal offices in a timely manner in the 2004 elections. The Voting Section was able to resolve problems with state officials without the necessity of litigation, and also initiated litigation against Pennsylvania in April 2004 and Georgia in July 2004, successfully obtaining court orders requiring changes in the deadlines for the return of ballots so that overseas and military ballots would be counted in each state's 2004 primary election.
- **NVRA.** The Division brought two lawsuits under the National Voter Registration Act, a law designed to expand registration opportunities for all citizens and to ensure proper maintenance of voter registration lists. In *United States v. Pulaski County* (E.D. Ark.), the Division obtained a consent decree requiring the county to establish procedures to ensure that eligible voters were not improperly removed from the list of registered voters. The second lawsuit, *United States v. State of New York* (N.D.N.Y.), challenged the state's failure to provide registration opportunities at public college offices that provide services to persons with disabilities. This case remains in litigation. A third NVRA lawsuit remains pending in New York.

"As these election fraud and voting rights cases demonstrate, the Department's Ballot Access and Voting Integrity Initiative is a balanced law enforcement effort that is designed to make voting easier and cheating harder," said Acting Assistant Attorney General John C. Richter of the Criminal Division. "The Criminal Division, through the hard work of the Public Integrity Section, will continue its vigorous enforcement of voter fraud laws to ensure that elections are not corrupted and that every vote counts."

"Protecting access to the ballot for all eligible voters is a major priority of the Civil Rights Division," said Bradley J. Schlozman, Acting Assistant Attorney General for the Civil Rights Division. "The Ballot Access and Voting Integrity Initiative has been an important instrument in ensuring the effectiveness of our enforcement efforts."

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